

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

VERNON DAWSON,

Plaintiff,

v.

Civil Action No. 2:10cv351

CANAL INSURANCE COMPANY,

Defendant.

FILED
JUL 19 2010
CLERK, U.S. DISTRICT COURT NORFOLK, VA

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and § 1446, Defendant Canal Insurance Company (“Canal”), by counsel, for its Notice of Removal states as follows:

1. On or about June 4, 2010, Plaintiff filed a Bill in Equity for Declaratory Judgment against Canal Insurance Company in the Circuit Court for the County of Accomack, Virginia.
2. On June 18, 2010, Plaintiff's counsel sent by certified mail a copy of the Bill in Equity for Declaratory Judgment and a Summons issued by the Accomack County Circuit Court to William R. Timmons at Canal's office in Greenville, South Carolina. Mr. Timmons received the Bill in Equity for Declaratory Judgment and Summons on or about June 23, 2010, but in no event earlier than June 18, 2010. Mr. Timmons is not Canal's Registered Agent in Virginia, and Plaintiff has not otherwise served Canal with process pursuant to Virginia law.
3. Upon information and belief, Plaintiff is a citizen of the State of Delaware. Canal is a corporation organized and existing under the laws of the State of South Carolina with its principal place of business in the State of South Carolina.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because it involves citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. This Court is the proper court to exercise removal jurisdiction under 28 U.S.C. §§ 1441 and 1446 because it is the judicial district and division within which Plaintiff's Bill in Equity for Declaratory Judgment was filed and is pending.

6. Canal is also filing a copy of the Notice of Removal with the Circuit Court for the County of Accomack and serving counsel for Plaintiff as required by 28 U.S.C. § 1446.

8. Removal of this case to this Court is timely.

9. Attached hereto are all pleadings and other documents filed in this matter.

WHEREFORE, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant Canal Insurance Company, by counsel, respectfully provides its Notice of Removal.

Respectfully submitted,

CANAL INSURANCE COMPANY

By Counsel

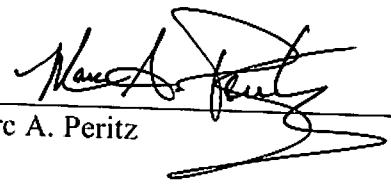
COUNSEL:



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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of July, 2010 a true and correct copy of the foregoing document was sent by first class mail, postage prepaid, to William C. Hudson, Esquire, 107 Market Street, Pocomoke City, MD 21851, counsel for plaintiff.



Marc A. Peritz

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